

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)	Group Art Unit: 3733
David L. Brack et al.	)	Confirmation No.: 9975
Serial No.: 10/010,150	)	Examiner: Philogene, Pedro
Filed: November 16, 2001	)	
For: FLEXIBLE INSTRUMENT	)	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office amendment to the 37 CFR § 1.98(a)(2)(i) that eliminates the requirement for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application. Copies of other cited references are enclosed.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below via the USPTO EFS-Web filing system.

August 7, 2006  
Date of Deposit

Karen A. Rogers  
Karen A. Rogers

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after


making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).
- ☐ Please charge \_\_\_\_\_ to Deposit Account No. 50-1105 for the above fee(s).
- ☒ Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Vista IP Law Group LLP Deposit Account No. 50-1105.

Respectfully submitted,  
VISTA IP LAW GROUP LLP

Dated: 8/7/06

By:   
David T. Burse  
Reg. No. 37,104

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PATENT TRADE-MARK  
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Substitute for form 1449A-PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

### Complete if Known

Application Number	10/010,150
Filing Date	11/16/2001
First Named Inventor	David L. Brock
Group Art Unit	3733
Examiner Name	Philogene, Pedro
Attorney Docket Number	HNMD-EA003

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	1.	4,604,016		Joyce	08/05/1986	
	2.	4,979,949		Matson, III et al.	12/25/1990	
	3.	5,078,140		Kwoh	01/07/1992	
	4.	5,154,717		Matson, III et al.	10/13/1992	
	5.	5,174,276		Crockard	12/29/1992	
	6.	5,184,601		Putman	02/09/1993	
	7.	5,236,432		Matson, III et al.	08/17/1993	
	8.	5,295,958		Shluman	03/22/1994	
	9.	5,299,288		Glassman et al.	03/29/1994	
	10.	5,372,147		Lathrop, Jr. et al.	12/13/1994	
	11.	5,382,885		Salcudean et al.	01/17/1995	
	12.	5,397,323		Taylor et al.	03/14/1995	
	13.	5,402,801		Taylor	04/04/1995	
	14.	5,417,210		Funda et al.	05/23/1995	
	15.	5,540,849		Bonnell et al.	07/30/1996	
	16.	5,553,188		Wang et al.	09/03/1996	
	17.	5,572,999		Funda et al.	11/12/1996	
	18.	5,631,973		Green	05/20/1997	
	19.	5,648,856		Jensen et al.	07/22/1997	
	20.	5,657,429		Wang et al.	08/12/1997	
	21.	5,754,741		Wang et al.	05/19/1998	
	22.	5,800,423		Jensen	09/01/1998	
	23.	5,810,880		Jensen et al.	09/22/1998	
	24.	5,821,920		Rosenberg et al.	10/13/1998	
	25.	5,825,682		Wright et al.	10/20/1998	
	26.	5,828,197		Martin et al.	10/27/1998	
	27.	5,833,656		Smith et al.	11/10/1998	
	28.	5,855,553		Tajima et al.	01/05/1999	
	29.	5,907,664		Wang et al.	05/25/1999	
	30.	5,971,976		Wang et al.	10/26/1999	
	31.	6,102,920		Sullivan et al.	08/15/2000	
	32.	6,132,441		Grace	10/17/2000	
	33.	6,233,504		Das et al.	05/15/2001	

Examiner Signature	Date Considered
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1448A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>			<b>Complete if Known</b>	
			Application Number	10/010,150
			Filing Date	11/16/2001
			First Named Inventor	David L. Brock
			Group Art Unit	3733
			Examiner Name	Philogene, Pedro
Sheet 2 of 3	Attorney Docket Number	HNMD-EA003		

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	34.	6,246,200		Blumankranz et al.	06/12/2001	
	35.	6,290,875		Vujanic et al.	09/18/2001	
	36.	6,331,181		Tierney et al.	12/18/2001	
	37.	6,332,689		Sancoff et al.	12/25/2001	
	38.	6,346,072		Cooper	02/12/2002	
	39.	6,377,011		Ben-Ur	04/23/2002	
	40.	6,385,509		Das et al.	05/07/2002	
	41.	6,394,998		Wallace et al.	05/28/2002	
	42.	6,398,726		Ramans et al.	06/04/2002	
	43.	6,432,112		Brock et al.	08/13/2002	
	44.	6,436,107		Wang et al.	08/20/2002	
	45.	6,441,577		Blumankranz et al.	08/27/2002	
	46.	6,451,027		Cooper et al.	09/17/2002	
	47.	6,463,361		Wang et al.	10/08/2002	
	48.	6,468,265		Evans et al.	10/22/2002	
	49.	6,490,490		Uchikubo et al.	12/03/2002	
	50.	6,496,099		Wang et al.	12/17/2002	
	51.	6,517,565		Whitman et al.	02/11/2003	
	52.	6,522,906		Salisbury, Jr. et al.	02/18/2003	
	53.	6,554,644		Lee et al.	04/28/2003	
	54.	6,565,554		Niemeyer	05/20/2003	
	55.	6,587,750		Gerbi et al.	07/01/2003	
	56.	6,594,552		Nowlin et al.	07/15/2003	
	57.	6,620,173		Gerbi et al.	09/16/2003	
	58.	6,626,699		Houser et al.	09/30/2003	
	59.	6,645,196		Nixon et al.	11/11/2003	
	60.	6,669,687		Seedat	12/30/2003	
	61.	6,676,684		Morley et al.	01/13/2004	
	62.	6,685,688		Morley et al.	02/03/2004	
	63.	6,692,485		Brock et al.	02/17/2004	
	64.	6,699,235		Wallace et al.	03/02/2004	
	65.	6,702,826		Liddicoat et al.	03/09/2004	
	66.	6,720,988		Gero et al.	04/13/2004	
	67.	6,726,699		Wright et al.	04/27/2004	

Examiner Signature	Date Considered
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		Number	Kind Code <sup>2</sup> (if known)			
	68.	6,728,599		Wang et al.	04/27/2004	
	69.	6,770,081		Cooper et al.	08/03/2004	
	70.	6,783,524		Anderson et al.	08/31/2004	
	71.	6,788,018		Blumenkrantz	09/07/2004	
	72.	6,793,653		Sanchez et al.	09/21/2004	
	73.	6,799,085		Niemeyer	09/28/2004	
	74.	6,817,972		Snow	11/16/2004	
	75.	6,817,974		Cooper et al.	11/16/2004	
	76.	6,837,883		Moll et al.	01/04/2005	
	77.	6,840,938		Morley et al.	01/11/2005	
	78.	6,852,107		Wang et al.	02/08/2005	
	79.	6,860,877		Sanchez et al.	03/01/2005	
	80.	6,911,816		Wang et al.	06/28/2005	
	81.	6,936,001		Snow	08/30/2005	
	82.	6,951,535		Ghodoussi et al.	10/04/2005	
	83.	6,994,708		Manzo	02/07/2006	
	84.	7,025,054		Wang et al.	04/11/2006	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>3</sub>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	85.		WO 02/074178		Brock/Brock Rogers Surg LLC	02/15/2002		

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